

Docket No. PRD49USNP

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Chen, X. et al.

Serial No.: 10/688,379

Art Unit: 1646

Filed

: October 17, 2003

Examiner: To be Assigned

For

: METHODS OF USING SUBSTITUTED TETRALINS AND INDANES

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Jeremy K. McKown Registered Representative) (Name of applicant,

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. 881.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this ---information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

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that a search has been made, or that information more material to the examination of the present patent application does not exist. In accordance with  $\S1.97(b)$ , since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required. In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with [] the first or []second After Final Submission, therefore: Statement in Accordance with §1.97(e)  $\Box$ (attached); or Please charge Deposit Account No. 10-/ the fee of \$180.00 as set forth in §1.17(p). In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in  $\S1.97$ (b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of: Statement in Accordance with §1.97(e) (attached); or

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0750/PRD49USNP/JKM the fee of \$180.00 as set forth in §1.17(p). In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p). Copies of each of the references listed on the 冈 attached Form PTO-1449 are enclosed herewith. Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT: In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith. If any of the foregoing publications are not  $\Box$ available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request. Copies of only foreign patent documents and non- $\boxtimes$ patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the

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national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows: WO02/28821 is listed in the IDS in German; however, I have attached the U.S.

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/PRD49/JKM. This form is submitted in triplicate.

Respectfully submitted,

my K. McKown

Reg. No. 47,785

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equivalent which is U.S. 6,750,236.

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PTO/SB/08A (08-00)
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary) Sheet 1 of 2

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Application Number	10/688,379
Filing Date	October 17, 2003
First Named Inventor	Xiiaoli, C.
Group Art Unit	1646
Examiner Name	To be Assigned
Attorney Docket Number	PRD-49USNP

				U.S. PATENT DOCUMENTS		
Examiner Initials	Cite	V.S. Patent Document  Kind Code <sup>2</sup> Number (if known)		Name of Patentee or Applicant of Cited Document	Date of Publication	Pages, Columns, Lines, where relevant passages or relevant figures appear
					of Cited Document mm-dd-yyyy	
		6,028,109		Glaxo Wellcome Inc.	02-22-2000	
		6,306,854	B1	Glaxosmithkline	10-23-2001	
		6,750,236	B2	Bayer Aktiengesellschaft	06-15-2004	
		(eq. to WO/02/28821)				
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**FOREIGN PATENT DOCUMENTS** Pages, Columns, Lines, Date of Publication Foreign Patent Document of Cited Document where relevant Name of Patentee or passages or relevant mm-dd-yyyy Cite Examiner Applicant of Cited Document figures appear Initials Office<sup>3</sup> Number<sup>4</sup> KindCode5 No.1 11-28-1990 EP 399422 **A1** Takeda Chemical Industries The Welcome Foundation 06-25-1992 Α1 WO 92/10468 Ltd. 02-16-1995 The Upjohn Co. WO 95/04713 **A1** 10-09-1997 **A1** Glaxo Group Ltd. WO 97/36579 04-27-2000 00/23407 **A2** Glaxo Group Ltd. WO Bayer Aktiengesellschaft 04-11-2002 (U.S. eq. **A2** 02/28821 WO 6,750,236) 08-22-2002 WO 02/064549 **A1** Pfizer Products Inc. Aventis Pharma 08-22-2002 02/064146 **A1** WO **Deutschland GMBH** 08-22-2002 Pfizer Products Inc. WO 02/064130 **A1** 

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Signature	Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Indicatory of this form with next communication to applicant.

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary) Sheet 2 of 2

Application Number	10/688,379
Filing Date	October 17, 2003
First Named Inventor	Xiiaoli, C.
Group Art Unit	1646
Examiner Name	Not yet assigned
Attorney Docket Number	PRD-49USNP

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item	Γ
Examiner's	Cite No.1	(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		ASSISMACOPOULOS-JEANNET, F. et al. "Effect of a peroxisome proliferator on β-oxidation and overall energy balance in obese (fa/fa) rats". America Phy. Soc., 1991, pages R278 – R283	
		KLIEWER, S. A. et al., "Fatty acids and eicosanoids regulate gene expression through direct interactions with peroxisome prolideratior-activated receptors α and γ." Proc. Natl. Acad. Sci., 1997, Vol 94, pages 4318-4323.	_
		CECCHI, R. et al., "Synthesis and β-adrenergic activity of atypical phenylethanolaminotetralin stereoisomers." Eur. J. Med Chem. 1994, Vol. 29, pages 259-267.	
		BROWN, P. J. et al., "Identification of peroxisome proliferators-activated receptor ligands from a biased chemical library", <u>Chem. &amp; Bio.</u> , <b>1997</b> , Vol. 4, No. 12, pages 909-918.	
		BROWN, P. J. et al., "Generation of Secondary Alkyl Amines on Solid Support by Borane Reduction: Application to the Parallel Synthesis of PPAR Ligands", <u>Synthesis</u> , <b>1997</b> , pages 778-782.	
		HAWKE, R. L., et al., "Potent pypocholesterolemic activity of novel ureido phenoxyisobutyrates correlates with their Intrinsic fibrate potency and not with their ACAT inhibitory activity." J. Lipid Res., 1997, Vol. 38, pages 1189-1203.	
		BROWN, P. J. et al., "Identification of peroxisome proliferator-activated receptor ligands from a biased chemical library." Chem. & Bio., 1997, Vol. 4, No. 12, pages 909-918.	
		BROWN, P. J., "A Ureido-Thioisobutyric Acid (GW9578) Is a Subtype-Selective PPAR α Agonist with Potent Lipid-Lowering Activity." J. Med. Chem., 1999, Vol. 42, pages 3785-3788.	
		GUERRE-MILLO, M. et al., "Peroxisome Proliferator-activated Receptor α Activators Improve Insulin Sensitivity and Reduce Adiposity." J. Bio. Chem., 2000, Vol. 275, No. 22, pages 16638-	
		BROWN, P. J., "Identification of a Subtype Selective Human PPAR α Agonist Through Parallel-Array Synthesis." <u>Bioorg. Med. Chem. Lett.</u> , <b>2001</b> , Vol. 11, pages 1225-1227.	<u> </u>
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Examiner	Date
Signature	Considered

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<sup>1</sup> Unique citation designation number. 2 Applicant is to place a check mark here if English language Translation is attached.



### SUBMISSION UNDER MPEP 609 D

Application Number 10/688,379
Filing Date October 17, 2003
First Named Inventor Xiiaoli, C.
Group Art Unit 1646
Examiner Name To be Assigned
Attorney Docket Number PRD-49USNP

Page 1 of 1

U.S. PATENT DOCUMENTS

	Cite No.1	Name of Patentee or Applicant of Cited Document	U.S. Patent Docum		
Examiner Initials			Number	Kind Code <sup>2</sup> (if known)	Pages, Columns, Lines, where relevant passages relevant figures appear
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**FOREIGN PATENT DOCUMENTS** Foreign Patent Document Pages, Columns, Lines, where relevant passages or relevant figures appear Name of Patentee or Cite **Applicant of Cited Document** Number⁴ KindCode5 Office<sup>3</sup> Initials OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published

PCT International Search Report dated March 25, 2004 for PCT Application No. T² Examiner's Initials\* PCT/EP03/033371 which relates to U.S. Patent Application No.10/688,379.

Examiner	Date	2.14
Signature	Considered	